

ASSEMBLY BILL

No. 2869

Introduced by Assembly Member Chávez

February 19, 2016

An act to amend Section 16000.1 of the Welfare and Institutions Code, relating to foster care.

LEGISLATIVE COUNSEL'S DIGEST

AB 2869, as introduced, Chávez. Foster care: placement.

Existing law declares, among other things, that the state has a duty to care for and protect the children that the state places into foster care, and as a matter of public policy, the state assumes an obligation of the highest order to ensure the safety of children in foster care, and a judicial order establishing jurisdiction over a child placed into foster care supplants or limits parental or previous adult authority. Existing law also declares the intent of the Legislature to confirm the state's duty to comply with all requirements of the federal Social Security Act that are relevant to the protection and welfare of children in foster care.

This bill would make technical, nonsubstantive changes to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 16000.1 of the Welfare and Institutions
- 2 Code is amended to read:
- 3 16000.1. (a) The Legislature finds and declares all of the
- 4 following:

1 (1) The state has a duty to care for and protect the children that
2 the state places into foster care, and as a matter of public policy,
3 the state assumes an obligation of the highest order to ensure the
4 safety of children in foster care.

5 (2) A judicial order establishing jurisdiction over a child placed
6 into foster care supplants or limits parental or previous adult
7 authority.

8 (3) ~~Nothing in this section is~~ *This section is not* intended to
9 change the balance of liability between the state and the counties
10 as it existed prior to the decision of the California Court of Appeal
11 in County of Los Angeles v. Superior Court of Los Angeles: Real
12 Party in Interest Terrell R. (2002) 102 Cal.App.4th 627, as
13 established by the decision of the California Court of Appeal in
14 Scott v. County of Los Angeles (1994) 27 Cal.App.4th 125.
15 Furthermore, ~~nothing in this section is~~ *this section is not* intended
16 to increase or decrease the liability of the state as it existed prior
17 to the Terrell R. case.

18 (b) (1) It is the intent of the Legislature that ~~nothing in~~ the
19 decision of the California Court of Appeal in County of Los
20 Angeles v. Superior Court of Los Angeles: Real Party in Interest
21 Terrell R. (2002) 102 Cal.App.4th 627, shall *not* be held to change
22 the standards of liability and immunity for injuries to children in
23 protective custody that existed prior to that decision.

24 (2) It is the intent of the Legislature to confirm the state's duty
25 to comply with all requirements under Part B of Title IV of the
26 Social Security Act (42 U.S.C. Sec. ~~620~~ 621 et seq.) and Part E of
27 Title IV of the Social Security Act (42 U.S.C. Sec. 670 et seq.)
28 that are relevant to the protection and welfare of children in foster
29 care.